

### **REMARKS**

The Applicant acknowledges, with thanks, receipt of the Office Action mailed July 3, 2002.

Pursuant to an objection by the Examiner, the title of the application has been changed to be more clearly descriptive of the claimed invention.

Claims 1-29 are pending. The action by the Examiner of this application, together with the cited references, have been given careful consideration. Following such consideration, independent claims 1, 9, 18 and 22 have been amended to more clearly define the patentable invention applicant believes is disclosed herein. It is respectfully requested the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

#### **Rejections under 35 U.S.C. 102(e)**

The Examiner has rejected claims 1-29 under 35 U.S.C. 102(e), as being anticipated by U.S. Patent No. 6,345,239 to Bowman-Amuah (the '239 Patent). It is respectfully submitted the '239 Patent does not anticipate the applicant's invention as set forth in the present claims.

### **Subject Application**

By way of review the present application is directed to software for financial institution monitoring and management. Claim 1 as now amended is for a method for assessing risk for a financial institution, the steps comprising receiving financial institution risk assessment data from a plurality of sources, each financial institution risk assessment includes data representative of a plurality of selected financial institution risk factors, generating a financial institution composite risk assessment data in accordance with a calculation based on pre-selected risk assessment parameters and a comparison thereto, and outputting the financial institution composite risk assessment on a computer readable medium. Claim 9 as now amended is directed to computer readable instructions for performing the method of claim 1.

Claim 18 as now amended is directed to a method for tracking at least one of a financial institution examination and financial institution inspection utilizing a computer based system. The steps of the method comprising initiating a scheduled stage of the financial institution examination, the initiating stage including generating an financial institution examination form, the computer based system having means for receiving data to store on the form; linking an additional financial institution examination form to the financial institution examination by the computer based system; notifying an examiner when the financial institution examination is due to be completed; receiving financial institution examination data into the financial institution examination form and additional financial institution forms associated with the computer based system; verifying, by the computer based system, all necessary financial institution examination data has been entered into the system by performing a check thereof in accordance with pre-selected criteria; communicating data representative of a financial institution examination form and additional financial institution forms to a supervisor for review; receiving data representative of supervisory approval; and storing and updating at least one database upon receipt of the data representative of supervisory approval. Claim 22 as now amended is directed to computer readable instructions for performing the method of claim 18.

**U.S. Patent No. 6,345,239 to Bowman-Amuah (the '239 Patent)**

In contrast, U.S. Patent No. 6,345,239 to Bowman-Amuah (the '239 Patent) is directed to permitting demonstrations of remote business capabilities across a network. The '239 Patent includes data mining capability that provides the capability to analyze *network management data* looking for patterns and correlations (col. 62, lines 32-35). The risk factors disclosed in the '239 Patent are for Network Security, and Network Management (col. 108 line 34 - col. 109 line 43). The software monitors individual *network elements* and generates system events (Fig. 16B). early warning thresholds generated by the system are for Network events, not financial institution risk factors.

**Claims 1-29 are in condition for allowance under 35 U.S.C. § 102**

Claim 1 as now amended is for a method for assessing risk for a financial institution, the steps comprising receiving financial institution risk assessment data from a plurality of sources, each financial institution risk assessment includes data representative of a plurality of selected financial institution risk factors, generating a financial institution composite risk assessment data in accordance with a calculation based on pre-selected financial institution risk assessment parameters and a comparison thereto, and outputting the financial institution composite risk assessment on a computer readable medium. Claim 9 as now amended is directed to computer readable instructions for performing the method of claim 1.

Claim 18 as now amended is directed to a method for tracking at least one of a financial institution examination and financial institution inspection utilizing a computer based system. The steps of the method comprising initiating a scheduled stage of the financial institution examination, the initiating stage including generating an financial institution examination form. The computer based system having means for receiving data to store on the form and linking an additional financial institution examination form to the financial institution examination by the computer based system. The steps further comprising notifying an examiner when the financial institution examination is due to be completed; receiving financial institution examination data into the financial institution examination form and additional financial institution forms associated with the computer based system; verifying, by the computer based system, all necessary financial institution examination data has been entered into the system by performing a check thereof in accordance with pre-selected criteria; communicating data representative of a financial institution examination form and additional financial institution forms to a supervisor for review; receiving data representative of supervisory approval; and storing and updating at least one database upon receipt of the data representative of supervisory approval. Claim 22 as now amended is directed to computer readable instructions for performing the method of claim 18.

In contrast, the '239 Patent includes data mining capability that provides the capability to analyze *network management data* looking for patterns and correlations (col. 62, lines 32-35). The risk factors disclosed in the '239 Patent are for Network Security, and Network

Management (col. 108 line 34 - col. 109 line 43). The software monitors individual *network elements* and generates system events (Fig. 16B).

Therefore, the '239 Patent does not anticipate independent claims 1 and 9 because it does not teach receiving financial institution risk assessment that includes data representative of a plurality of selected financial institution risk factors, nor does it teach generating financial institution composite risk assessment data in accordance with a calculation based on financial institution risk assessment parameters.

In addition to the reasons set forth for the patentability of claims 1 and 9 above, claims 2 and 10, which are dependent from the claims 1 and 9 respectively, further include the limitations that the plurality of risk factors are selected from the group consisting of credit risk factor, market risk factor, liquidity risk factor, operational risk factor, legal risk factor, and reputational risk factor. These risk factors are not present anywhere in the '239 patent. The financial institution risk factors claimed in claims 2 and 10 are defined on page 14, lines 7-21 as follows:

Credit risk, which arises from the potential that a borrower or counter party will fail to perform on an obligation.

Market risk, which is the risk to a financial institution's condition resulting from adverse movements in market rates or prices, such as interest rates, foreign exchange rates, or equity prices.

Liquidity risk, which is the potential that an institution will be unable to meet its obligations as they come due because of an inability to liquidate assets or obtain adequate funding (referred to as "funding liquidity risk") or that it cannot easily unwind or offset specific exposures without significantly lowering market prices because of inadequate market depth or market disruptions ("market liquidity risk").

Operational risk, which arises from the potential that inadequate information systems, operational problems, breaches in internal controls, fraud, or unforeseen catastrophes will result in unexpected losses.

Legal risk, which arises from the potential that unenforceable contracts, lawsuits, or adverse judgments can disrupt or otherwise negatively affect the operations or condition of a banking organization.

Reputational risk, which is the potential that negative publicity regarding an institution's business practices, whether true or not, will cause a decline in the customer base, costly litigation, or revenue reductions.

Thus, for the reasons set forth, claims 2 and 10 are not anticipated by the '239 Patent.

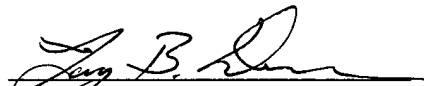
In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. (47117/14489).

Respectfully submitted,

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 10-3-02

  
Name: Jennifer Safranek

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Amended) A method for assessing risk for a financial institution, the steps comprising:

- a) receiving financial institution risk assessment data from a plurality of sources, each financial institution risk assessment includes data representative of a plurality of selected financial institution risk factors;
- b) generating a financial institution composite risk assessment data in accordance with a calculation based on pre-selected financial institution risk assessment parameters and a comparison thereto;
- c) outputting the financial institution composite risk assessment on a computer readable medium.

9. (Amended) Computer readable instructions stored on a computer readable medium, comprising:

computer readable instructions for receiving financial institution risk assessments for a financial institution from a plurality of sections, each financial institution risk assessment having a plurality of financial institution risk factors;

computer readable instructions for generating a financial institution composite risk assessment;

computer readable instructions for storing the financial institution composite risk assessment on a writeable computer readable medium.

18. (Amended) A method for tracking at least one of a[n] financial institution examination and financial institution inspection [of a financial institution] utilizing a computer based system, the steps comprising:

- a) initiating a scheduled stage of the financial institution examination, the initiating stage including generating an financial institution examination form, the computer based system having means for receiving data to store on the form;

- b) linking an additional financial institution examination form to the financial institution examination by the computer based system;
- c) notifying an examiner when the financial institution examination is due to be completed;
- d) receiving financial institution examination data into the financial institution examination form and additional financial institution forms associated with the computer based system;
- e) verifying, by the computer based system, all necessary financial institution examination data has been entered into the system by performing a check thereof in accordance with pre-selected criteria;
- f) communicating data representative of a[n] financial institution examination form and additional financial institution forms to a supervisor for review;
- g) receiving data representative of supervisory approval; and
- h) storing and updating at least one database upon receipt of the data representative of supervisory approval.

22. (Amended) Computer readable instructions, stored on a computer readable medium comprising:

- A) computer readable instructions for receiving instructions for initiating a scheduled stage of [the]a financial institution examination;
- B) computer readable instructions for generating an examination form, the computer readable instructions having means for receiving data to store on the form;
- C) computer readable instructions for associating additional forms for the exam;
- D) computer readable instructions for notifying an examiner when the exam is due to be completed;
- E) computer readable instructions completing the examination form and additional forms by receiving examination data;
- F) computer readable instructions for verifying all necessary examination data has been entered;

- G) computer readable instructions for sending examination form and additional forms to a supervisor for review;
- H) computer readable instructions for receiving supervisor approval;
- I) computer readable instructions for storing examination data on a computer writeable storage medium and updating a plurality of databases.

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